



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.RC(MD)No.167 of 2019

Arockiyasamy

... Petitioner/Petitioner

Vs.

The State Rep. by
The Forest Ranger,
Forest Range Office,
Sirumalai,
Dindigul District.
(O.R.No.1 of 2019)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 of Criminal Procedure Code, to call for the records pertaining to the order dated 20.02.2019 made in Cr.M.P.No.836 of 2019 on the file of the Judicial Magistrate No.I, Dindigul and set aside the same.

For Revision Petitioner: Mr.C.Mayilvahana Rajendran
For Respondent : Mr.A.Robinson
Government Advocate (Cr1.Side)

O R D E R

The petitioner claims to be the owner of the vehicle (Tractor) bearing Registration No.TN-55-M-4311. On 30.01.2019, the respondent found the said vehicle carrying sand and registered a case in O.R.No.1 of 2019, under Section 21(2) r/w 2 & 21(d & f) Tamilnadu Forest Act, 1882 and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.1, Dindigul, for interim custody. The learned Magistrate, by order dated 20.02.2018, has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.Mr.A.Robinson, learned Government Advocate (Cr1.side) has strongly objection to release the vehicle.

4. On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this



petition.

5. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.1, Dindigul in Cr1.M.P.No.836 of 2019 is set aside and the learned Magistrate is directed to return the vehicle subject to the petitioner on the following conditions:-

(a) The petitioner shall deposit the original Registration Certificate of the vehicle;

(b) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of O.R.No.1 of 2019 within a period of one week from the date of receipt of a copy of this order;

(c) The petitioner shall not make any alteration of the vehicle;

(d) The petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS IV)

To

1.The Judicial Magistrate No.I, Dindigul.

2.The Forest Ranger,
Forest Range Office,
Sirumalai,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.Mayilvahana Rajendran, Advocate, SR.No.60517

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VSD

KK/SAR/12.04.2019/ 2P- 5C